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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,467	09/17/2001	Henry J. Riblet	81451CIP	9032
28452	7590	07/28/2005	EXAMINER	
BOURQUE & ASSOCIATES, P.A. 835 HANOVER STREET SUITE 303 MANCHESTER, NH 03104			KING, ANITA M	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/955,467

Applicant(s)

RIBLET, HENRY J.

Examiner

Anita M. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11, 20 and 21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 5 and 6 is/are allowed.  
6) ☒ Claim(s) 1-4, 7-11, 20 and 21 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

This is a non-final office action for application number 09/955,467, Bracket Assembly Lock, filed on September 17, 2001.

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 18, 2005 has been entered.

***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the terms "tip" in line 3 of claim 9 and "rasps" in line 3 of claim 10.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4, 7-11, 20, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the transverse cross-sectional area" bridging lines 15-16. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "said outside bar" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "said outer bar" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "the transverse cross-sectional area" in line 18. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "the transverse cross-sectional area" bridging lines 18-19. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 2,854,293 to Riblet in view of U.S. Patent 2,737,363 to Horst. Riblet discloses the combination of a metal upright (1, Col. 3, line 6ff), the metal upright having a first surface; a lock (3) for mounting an angle bracket on the metal upright, the lock comprising a pair of side members, an outer jaw (5) and an inner jaw (6) coupled to the pair of side members, and a fulcrum bar (7) which is adapted to couple the pair of side members to the angle bracket, the pair of side members being capable of pivoting relative to the angle bracket about the fulcrum bar; at least one of the inner jaw and the outer jaw having a

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contact surface which is adapted to contact the first surface of the metal upright over a planar region, the at least one of the jaws being capable of pivoting relative to the side members and the angle bracket.

Riblet discloses the claimed invention except for the limitations of at least one of the inner and outer jaws having a substantially flat contact surface and a transverse cross-sectional area of the at least one jaw having a height and a thickness, the height being greater than the thickness. Horst teaches a clamping lock (11) attachable to an upright (27, 28), the lock having side members (14 & 21), an outer jaw (16, right side), an inner jaw (16, left side) coupled to the side members, at least one of the inner jaw and the outer jaw comprising a substantially flat contact surface (20) which is adapted to contact a first surface of the upright over a planar region, the at least one jaw being capable of pivoting relative to the side members, and a transverse cross-sectional area of the at least one jaw having a height and a thickness, the height being greater than the thickness. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the lock in Riblet to have included the lock as taught by Horst for the purpose of providing an increased gripping force on the upright.

Riblet combined with Horst disclose the claimed invention except for the limitation of the upright being constructed of fiberglass. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the upright in Riblet to have been constructed of fiberglass since such a modification merely involves substituting one well known material for another based on the materials suitability for the

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intended use and since there is no criticality provided that would produce any unexpected result.

***Allowable Subject Matter***

Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 2-4 and 7-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 5 and 6 are allowed.

***Response to Arguments***

Applicant's arguments with respect to claims 20 and 21 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 1,832,394 to Holmboe

U.S. Patent 3,065,984 to Holmboe

U.S. Patent 6,419,201 to Hughes, Jr. et al.


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Holmboe (both reference) discloses an adjustable shore bracket having inner and outer jaws. Hughes, Jr. et al. disclose an sleeve constructed of fiberglass.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Anita M. King  
Primary Examiner  
Art Unit 3632

July 22, 2005